

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JUSTIN RIDDLE,

Plaintiff,

CASE NO. 8:24-cv-00431

v.

OMAHA PUBLIC SCHOOLS,

Defendant.

**RESPONSE TO PLAINTIFF'S
MOTION TO REMAND**

Defendant, Omaha Public Schools ("OPS"), responds to Plaintiff's motion to remand as follows:

1. On November 6, 2024, OPS timely removed this action to the United States District Court for the District of Nebraska, properly serving the Plaintiff by first-class United States mail. (Doc. 1)

2. On November 13, 2024, Plaintiff filed an Amended Complaint that purports to remove his original claim for damages under 28 U.S.C. §1983, and include only state-law claims relating to various public record requests. (Doc. 8)

3. After filing his Amended Complaint, Plaintiff requested remand. (Doc. 9)

4. Notwithstanding the voluntary dismissal of Plaintiff's federal claim after removal, the Court has discretion to exercise supplemental jurisdiction over Plaintiff's remaining state law claims. 28 U.S.C. § 1367(c). *See Krambeck v. Child. & Fams. of Iowa, Inc.*, 451 F. Supp. 2d 1037, 1043 (S.D. Iowa 2006) (exercising supplemental jurisdiction despite dismissal of federal claims). The Court may also exercise its discretion to remand the case to state court.

5. Assuming the Court agrees that no federal claims remain at issue in this case, OPS does not oppose the Court's exercise of its discretion to remand this action.

Dated this 18th day of November, 2024.

OMAHA PUBLIC SCHOOLS, Defendant,

By: /s/ Steven D. Davidson

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Justin Riddle
justinriddle1@gmail.com

/s/ Steven D. Davidson